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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,509	05/02/2001	David A. Christopher	35451/119 (3597.Palm)	7864

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/847,509	CHRISTOPHER, DAVID A.
Examiner	Art Unit	
Michael Datskovsky	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 January 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 14 January 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hachiman et al in view of Haitani et al.  
Hachiman et al teach a docking station for a handheld computer, Figs.1-17, comprising: a data connection configured to communicate data from the docking station 1 to the handheld computer 2 and from the docking station 2 to a personal computer 300 (inherently comprising as it is well known in the art a communication bus, and coupled to said communication bus a storage device, a memory, and a processor); and an expansion card 600 connector 57, Fig.11, coupled to the docking station and configured to communicate data between an expansion card 600 and the docking station 1. Hachiman et al teach furthermore said docking station having a wireless data link 64, Fig.11, or a modem data link 500, Fig.8, to communicate data to a communication network. Hachiman et al does not teach said docking station being a synchronization

docking station. Haitani et al teach a docking station - a synchronization cradle 320, Fig.5 for a handheld computer 330 comprising: a data connection configured to communicate data from the docking station 320 to the handheld computer 330 and from the docking station to a personal computer 310, wherein said docking station comprising a start synchronization button 325 It would have been obvious to one skilled in the art at the time invention was made to employ a synchronization docking station as it is shown by Hawkins et al in the device by Haitani et al in order to avoid including in the system a separate synchronization device.

Regarding to the claims 7, 14-15, 21-30 and 35: The functional recitations that the claimed hardware includes computer programs configured to perform certain tasks has not been given patentable weight because it is narrative in form. In order to be given patentable weight a functional recitation must be expressed as a "means" for performing the special function, as set forth in 35 USC §112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D. 172; 388 O.G. 279. In view of the above examiner directs applicant's attention to the fact that neither the disclosure nor the drawings of the instant application comprise any description or block diagrams or codes of any computer programs. Also it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

*Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding to the claims 11, 12, 17-19, 33, 34: Hachiman et al and Haitani et al disclose the claimed invention except for: a secure digital card (SD), or a multimedia card (MMC), or a battery, or a cellular phone transceiver, or a camera, or a MP3 player being inserted into a card slot of the docking station (By Hachiman et al card 600 is a memory card without specifying its kind). It would have been an obvious matter of design choice to use said card slot to insert a secure digital card (SD), or a multimedia card (MMC), or a battery, or a cellular phone transceiver, or a camera, or a MP3 player, since applicant has not disclosed that a type of the inserted device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any kind of available electronic device having appropriate size and electrical connection.

Regarding to the claims 35-39: The method steps are obviously necessitated by the device structure as Hachiman et al and Haitani et al describe it.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Application/Control Number: 09/847,509  
Art Unit: 2835

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky



January 27, 2003